

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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STACY L. RANDALL,

Plaintiff,

v.

Civil Action No. 22-cv-400

REED C. WIDEN, MICHAEL KIESLER,  
WIDEN ENTERPRISES, LLC, and  
WINDY WATERS, INC.,

Defendants.

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**DEFENDANTS' MOTION TO FILE UNDER SEAL**

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Defendants Reed C. Widen, Michael Kiesler, Widen Enterprises, LLC, and Windy Waters, Inc., by their attorneys at O'Neil, Cannon, Hollman, DeJong & Laing S.C. and Holland & Knight LLP, hereby move the Court pursuant to Local Administrative Order 337 and the Protective Order (ECF No. 26-1) entered on January 24, 2023 (ECF No. 27) to file under seal certain documents filed in conjunction with Defendants' response to Stacy Randall's Motion for a Ruling on Reed Widen's Assertion of Attorney-Client Privilege (ECF No. 144).

The documents to be filed under seal are Defendants' Brief in Opposition to Plaintiff's Response to Plaintiff's Motion for a Ruling on Reed Widen's Assertion of Attorney-Client Privilege, and the declarations of Reed Widen, March Churchill, and Christa Wittenberg, all filed contemporaneously herewith.

The Protective Order provides that to the extent any papers to be filed with the Court reveal confidential information, including documents designated as "CONFIDENTIAL" or ATTORNEYS' EYES ONLY," the filing party must move the Court to file the documents under

seal as provided in Administrative Order 337. ECF No. 26-1 at 7. Administrative Order 337 allows documents to be filed under seal “if, and only if, done pursuant to a protective order previously entered by the court or a contemporaneous motion to seal.”

The documents filed on behalf of Defendants in response to Plaintiff’s motion seeking a privilege ruling contain highly sensitive comments about mediation and additional information about legal strategy, and they repeat a privileged communication, solely for the purpose of showing the comments in question are privileged and should not be used in these proceedings. The documents are submitted for consideration pursuant to Rule 26(b)(5)(B), which requires the presentation of information for a privilege determination be done “under seal.” The mediation-related information is further protected by a mediation agreement signed by all parties that participated in the mediation, as well as federal mediation privilege and Western District of Wisconsin Local Rule 3 (LR 16.6 CJ), as explained in the brief in response to Plaintiff’s motion seeking a privilege ruling. The documents also contain confidential financial information about the parties to this lawsuit. This Court has previously allowed Plaintiff to file documents containing similar confidential information under seal. *See* ECF No. 146; Text Order dated Jan. 25, 2024.

WHEREFORE, Defendants respectfully request this Court grant their motion to file the above-referenced document under seal.

Dated this 7th day of February 2024.

Respectfully submitted,

s/Christa D. Wittenberg

Dean P. Laing

Christa D. Wittenberg

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